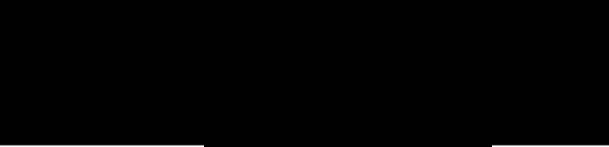




U.S. Citizenship  
and Immigration  
Services

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invasion of personal privacy

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FILE: [Redacted] Office: TEXAS SERVICE CENTER Date: **MAR 21 2006**  
SRC 04 198 53180

IN RE: Petitioner: [Redacted]  
Beneficiary: [Redacted]

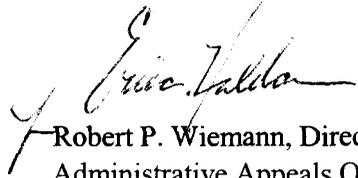
PETITION: Immigrant Petition for Alien Worker as a Multinational Executive or Manager Pursuant to  
Section 203(b)(1)(C) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(1)(C)

ON BEHALF OF PETITIONER:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to  
the office that originally decided your case. Any further inquiry must be made to that office.

  
Robert P. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The Director, Texas Service Center, denied the employment-based petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The petitioner filed the instant immigrant petition to classify the beneficiary as a multinational manager or executive pursuant to section 203(b)(1)(C) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(1)(C). The petitioner is a corporation organized under the laws of the State of Florida that is engaged in investment management. The petitioner seeks to employ the beneficiary as its operations manager.

The director denied the petition concluding that the petitioner had failed to demonstrate that: (1) the beneficiary would be employed by the United States entity in a primarily managerial or executive capacity; or (2) at the time of filing, the petitioner had the ability to pay the beneficiary's proffered annual salary of \$36,000. The director also noted the petitioner's failure to address the job duties performed by the beneficiary while employed by the foreign entity.

On Form I-290B, counsel requests thirty days from the date of filing the appeal on June 29, 2005 to submit an appellate brief. Counsel also references an attached letter, dated June 16, 2005, in which he recognizes inconsistencies in the record raised by the director in her decision, and notes that additional evidence will be submitted in support of the beneficiary's employment abroad in a qualifying capacity.

As of this date, counsel has not submitted any additional documentation. The AAO notes that on February 23, 2006, a request was sent to counsel via facsimile for an appellate brief or additional evidence. Counsel did not respond to the AAO's request. Accordingly, the record will be considered complete.

To establish eligibility under section 203(b)(1)(C) of the Act, the petitioner must meet certain criteria. Specifically, within three years preceding the beneficiary's application for admission into the United States, a firm, corporation, or other legal entity, or an affiliate or subsidiary thereof, must have employed the beneficiary for one continuous year. Furthermore, the beneficiary must seek to enter the United States to continue rendering his or her services to the same employer or a subsidiary or affiliate thereof in a managerial or executive capacity.

Upon review, the AAO concurs with the director's decision and affirms the denial of the petition.

Regulations at 8 C.F.R. § 103.3(a)(1)(v) state, in pertinent part:

An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.

Inasmuch as counsel has failed to identify specifically an erroneous conclusion of law or a statement of fact in this proceeding, the appeal must be summarily dismissed.

In visa petition proceedings, the burden of proving eligibility for the benefit sought remains entirely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. The petitioner has not met this burden.

**ORDER:** The appeal is summarily dismissed.